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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,052	10/31/2003	Tarun K. Arora	PPC-5026-US-NP	1208
27777	7590	11/29/2007	EXAMINER	
PHILIP S. JOHNSON JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA NEW BRUNSWICK, NJ 08933-7003			HAND, MELANIE JO	
		ART UNIT	PAPER NUMBER	
		3761		
		MAIL DATE	DELIVERY MODE	
		11/29/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

EX

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/699,052	ARORA ET AL.
	Examiner Melanie J. Hand	Art Unit 3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 September 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 31-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 31-37 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/17/07</u> .   | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 3761

### DETAILED ACTION

In view of the Appeal Brief filed on September 5, 2007, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Tatyana Zalukaeva, Ph.D.  
Supervisory Primary Examiner  


Tatyana Zalukaeva.

### ***Response to Arguments***

Applicant's arguments, see Appeal Brief, filed September 5, 2007; with respect to the rejection(s) of claim(s) 31-37 under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a newly found prior art reference. Applicant's argument that the hot melt adhesive of Luizzi could not be used in combination with the

hydrogel adhesive of Carlucci is noted but is not persuasive. A new prior art reference has been introduced in a new grounds of rejection to reflect that a hot melt adhesive material can in fact be used with a hydrogel material, adhesive or otherwise.

***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on July 17, 2007 was filed after the mailing date of the final action on September 5, 2006. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 31-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlucci ('299) in view of Luizzi ('291) and further in view of Ahmed et al. (U.S. Patent No. 6,534,572)

With respect to **Claims 31,32,35:** Carlucci teaches an absorbent article having first and second transverse edges longitudinally opposed to one another, transversely opposed side edges, a liquid-pervious topsheet, a liquid-impervious backsheet and an absorbent core therebetween. The absorbent core comprises a fluid distribution layer overlying a hydrogel material, which is capable of being produced and integrated in coating form. Carlucci teaches that all components of the article are transparent.

Art Unit: 3761

Carlucci teaches a transparent conventional adhesive, which encompasses hot melt adhesive, but does not teach that the absorbent core contains said adhesive. Luizzi teaches an absorbent hot melt adhesive composition also comprising a liquid-absorbing hydrogel polymer. Since the adhesive is both capable of acting as an adhesive and is absorbent, it provides a dual function making a thinner article possible, therefore it would be obvious to one of ordinary skill in the art to modify the hydrogel material taught by Carlucci to be further comprised of hot melt adhesive and a liquid-absorbing hydrogel polymer as taught by Luizzi to provide both adhesive and absorbent capabilities. The prior art of Ahmed is introduced herein to support the ability of the adhesive of Carlucci to be combined with the adhesive of Luizzi, as Ahmed teaches an adhesive comprising a thermoplastic layer having a wax that, when cooled surrounds and either encapsulates a superabsorbent polymer particle, or forms an additional layer adjacent thereto as desired. Ahmed teaches that the adhesive improves the gel rate, making the gel rate faster when compared to using SAP particles alone. Thus, it would be obvious to one of ordinary skill in the art to combine the hydrogel adhesive of Carlucci with the hot melt adhesive of Luizzi so as to create an absorbent adhesive having a faster gel rate as taught by Ahmed, thus trapping exudate more quickly. ('572, Col. 3, lines 48-50, Col. 4, lines 30-36, 51-57, Col. 8, lines 20-28, Col. 9, lines 41-52)

With respect to **Claim 33:** The absorbent core of Carlucci comprises a fluid distribution layer overlying a hydrogel material, i.e. said distribution layer is a separating layer disposed between the absorbent material and the topsheet, wherein said separating layer is also transparent.

Art Unit: 3761

With respect to **Claim 34:** Carlucci teaches that the absorbent core is comprised of 100% transparent absorbent gelling material. ('299, ¶ 0045)

With respect to **Claim 36:** Carlucci teaches that the light transmittance of the article is greater than 40%. ('299, ¶ 0015)

With respect to **Claim 37:** Carlucci teaches that the absorbent core is 0.1-18 mm thick, therefore substantially all fibers that are suitable for said fibrous layer with a thickness consistent with the thickness of the core would form a fibrous layer with a denier in the range of 1.5-15 dpf.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3761

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melanie J Hand  
Examiner  
Art Unit 3761

November 24, 2007

Tatyana Zalukaeva, Ph.D.  
Primary Examiner

